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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jeffrey R. BURY, et al. Docket No. MBC-0511
Serial No. 10/787,507 Examiner: Kelechi C. Egwin
Filed: 2/26/2004 Group Art Unit: 1713
For: Strength Improvement Admixture

**MAIL STOP AMENDMENT
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4-25-2006
(date)

TRANSMITTAL SHEET

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Transmittal Sheet with Certificate of Mailing and Authorization to Charge Deposit Account
Response A to Election/Restriction Requirement
Return Receipt Post Card

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Respectfully submitted,

Joseph G. Curatolo

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Date 4-25-2006



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Applicants: Jeffrey R. BURY, et al. Docket No.: MBC-0511
Serial No: 10/787,507 Examiner: Kelechi C. Egwin
Filed: February 26, 2004 Group Art Unit: 1713

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RESPONSE A TO ELECTION/RESTRICTION REQUIREMENT

Dear Sir:

Applicants, through their attorney, respectfully respond to the Examiner's Restriction Requirement mailed March 27, 2006 as follows:

RESTRICTION REQUIREMENT

The Examiner has required restriction under 35 U.S.C. §121 to one of the following groups:

- I. Claims 1-32, drawn to a strength improvement admixture, classified in class 524, subclass 186.
- II. Claims 33-50, drawn to a method of making a cementitious composition, classified in class 106, subclass 819.

ELECTION

In response to the restriction requirement, Applicants elect to prosecute Group I, i.e., claims 1-32 with traverse. Furthermore, as required by the Office Action requirement for election of species, Applicants elect the strength improvement additive

found in claim 1 under element (c). A specific example of this elected species is N,N,N',N'-tetra(hydroxyethyl)ethylenediamine, found in claim 5.

TRAVERSAL OF RESTRICTION REQUIREMENT

Applicants respectfully traverse the restriction requirement directed to Groups I and II, as set forth by the Examiner.

Applicants respectfully traverse the Restriction Requirement because according to second paragraph of MPEP 803,

If the search and examination of all the claims in an application *can be made without serious burden*, the examiner must examine them on the merits, *even though they include claims to independent or distinct inventions*.

Applicants submit that the subject matter of Groups I and II are directed to (or include) an admixture composition that is substantially or exactly similar for both Groups I and II. For example, the admixture described in claim 1 (Group I) is identical to the admixture described in claim 33 (Group II).

Therefore, due to the substantial or exact similarity of the admixture compositions in Groups I and II, the search and examination of all of claims 1-50 can be made *without* serious burden, even though the search and examination may include claims to independent or distinct inventions.

In light of Applicants' traversal of the Restriction Requirement directed to Groups I and II, Applicants respectfully request reconsideration and the withdrawal of the Restriction Requirement. Applicants also request that they may be permitted to prosecute the claims of both Groups I and II.

If the Restriction Requirement is not withdrawn before examination, or during prosecution when allowable subject matter is identified, Applicants reserve the right to file the claims of Group II (i.e. claims 33-50) in a divisional application. Even if the Restriction Requirement is held proper, the subject matter of this case is appropriate for rejoining Groups I

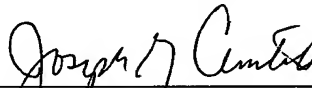
and II when allowable subject matter is identified. If a patentable admixture composition is claimed, then using it in a method for making a cementitious composition is also patentable.

INVENTORSHIP

The election of Group I (i.e., claims 1-32) is not believed to affect inventorship for the subject application.

If the Examiner has any questions with respect to the above remarks, the below-signed attorney would gladly welcome a telephone call.

Respectfully submitted,



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